

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ULAS AVCI,)	
)	Civil Action Nos.
Plaintiff,)	14-12654-NMG
)	15-12577-NMG
)	
v.)	
)	
POSTMASTER GENERAL MEGAN J.)	
BRENNAN,)	
Defendant.)	

ORDER

GORTON, J.

Before the Court is the plaintiff's motion for appointment of counsel, which he submitted for filing in both of the above-captioned cases. For the reasons stated below, the motion is DENIED WITHOUT PREJUDICE.

Plaintiff Ulas Avci has filed two employment discrimination cases arising from his former employment with the United States Postal Service. In an order dated February 5, 2015, the Court denied a motion for appointment of counsel in Civil Action 14-12654-NMG. The denial was without prejudice to renewal after the defendant had responded to the complaint.

The defendant has not responded to the complaint in either case but still has time to do so. Under the Federal Rules of Civil Procedure, an officer of the United States sued only in her official capacity must respond to complaint within 60 days after service on the United States attorney. See Fed. R. Civ. P. 12(a)(2). In Civil Action No. 14-12654-NMG, the United States Attorney for the District of Massachusetts was served on July 13, 2015 (Dkt. #16). Therefore, the response deadline is September 11, 2015. In Civil Action No. 15-12577-NMG, the United States

Attorney for the District of Massachusetts was served on August 18, 2015 (Dkt. #7), making the response deadline October 19, 2015.

For the reasons stated in its earlier order denying appointment of counsel, the Court denies the present motion without prejudice to renewal after the defendant has responded to the complaint in the case or cases in which the plaintiff seeks appointment of counsel. If Avci seeks appointment of counsel in both cases through a single motion, he must wait until the defendant has responded to the complaint in both actions.

so ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: 9/16/15